

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROGER FAY JENKINS,

Plaintiff,

vs.

VICTOR CAMPA, et al.,

Defendants.

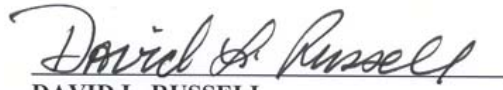
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Case No. CIV-10-943-R

ORDER

Before the Court is the Supplemental Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered November 16, 2010. Doc. No. 12. No objection to the Supplemental Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. Therefore, the Supplemental Report and Recommendation is ADOPTED in its entirety and Plaintiff's 42 U.S.C. § 1983 action is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim for relief; Plaintiff's claim construed as a *Bivens* cause of action is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim for relief; and Plaintiff's cause of action construed as a 28 U.S.C. § 2241 habeas petition is DISMISSED without prejudice for failure to exhaust administrative remedies. Plaintiff's motion for discovery [Doc. No. 13] is therefore DENIED as moot.

IT IS SO ORDERED this 7th day of December, 2010.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE